

RESPONSE

In response to the Restriction Requirement, Applicants elect group I claims 1-11 with traverse with respect to groups I and II, and without traverse with respect to groups IV-XI. Applicants reserve the right to traverse any future restriction. Further applicants elect species IIIE, claims readable on species IIIE include claims 9 and 13-26.

Groups I and III have been restricted as being unrelated. This restriction is traversed on three independent grounds:

(1) The cited requirement states that "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together **and** they have different modes of operation, different functions, or different effects." (Emphasis added). The Examiner has not alleged that the inventions are not disclosed as capable of use together. Therefore, the restriction requirement does not set forth the minimum grounds for a restriction between groups I and III.

(2) Inventions I and III are clearly capable of use together. Indeed the steps of claim 10 are part of claim 15. A similar situation exists with claims 1 and 13. Since the inventions are capable of use together, the inventions are not unrelated.

(3) Contrary to the Examiner's assertions, the inventions are connected in design, operation and effect. The design of the inventions in claims 10 and 15 is the same. Likewise, the operation is the same and there is no difference in effect between these claims. Thus, since the inventions are connected in design, operation and effect, the restriction is improper.

Groups II and III have been restricted on the ground that the process can be practiced by another materially different apparatus, such as the apparatus disclosed in U.S. Patent No. 5,534,328 to Ashmead et al. This is incorrect. For example, claim 13 recites a process that includes "stacking a plurality of shims in which the plurality of shims comprises at least three shims through which a flow path is formed and a straight, unobstructed is present through the flow path in said at least three shims." The apparatus disclosed in the Ashmead patent cannot practice this process. Therefore, the restriction is improper and should be withdrawn.

Accordingly, Applicants respectfully request withdrawal of the restriction between groups I-III. Claims 1-31 should be examined together.

If the Examiner has any questions or would like to speak to Applicants' representative, the Examiner is encouraged to call Applicants' attorney at the number provided below.

Respectfully submitted,

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